IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24990 of 2004

Between:

T. Bhaskar, S/o Chinna Subbarayudu,
Vempenta Village, Pamulalpadu Mandal, Kurnool District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Kurnool.
2 The Joint Collector, Kurnool.
3 Mr. Madhu. S/o Ramakrishna,
Vempenta Village, Pamulapadu Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the order passed by the Revenue Divisional Officer, Kurnool in Rc.No. B.492/2004 dt. 18-10-2004 as illegal, unjust, arbitrary and unconstitutional without proper consideration and consequently direct the Respondents No.2 to consider the appeal in Rc.Cs.3A PP 433/04.

Counsel for the Petitioner: MR.S.NAGESWARA REDDY

Counsel for the Respondent No.1 and 2: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The petitioner, the 3rd respondent and seven others applied in response to a notification, dated 31.06.2004 issued by the 1st respondent, for the purpose of appointment of Fair Price Shop Dealer, in respect of Venmpenta Village of Kurnool District. Through order, dated 18.10.2004, the 1st respondent selected the 3rd respondent. The petitioner preferred an appeal before the 2nd respondent against the order of appointment. He also filed an application for stay. His grievance is that the 2nd respondent did not stay the operation of the order of appointment.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The petitioner availed the remedy of appeal against the order of appointment, whereunder the 3rd respondent was selected and appointed as Dealer. The ground alleged by the petitioner is that he holds superior qualifications to that of the 3rd respondent. It is for the appellate authority to call for the record and examine the contentions of the petitioner. This Court is not inclined to interfere with the order of appointment at this stage.

Hence, the writ petition is disposed of, directing that the 2nd respondent shall pass appropriate orders in the appeal preferred by the petitioner, within eight weeks from today after examining the record and giving an opportunity to the 3rd respondent.

There shall be no order as to costs.

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31.12.2004

Jsu

To

1 The Revenue Divisional Officer, Kurnool.
2 The Joint Collector, Kurnool.
3 2CCs to the G.P for Civil Supplies, High Court Buildings, Hyderabad(0.U.T)

4 2CD copies